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Forty-eighth session

SUMMARY RECORD OF THE 42nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 25 February 1992, at 3 p.m.

Chairman: Mr. SOLT (Hungary)
later: Mr. ENNACEUR (Tunisia)
Mr. WALKER (Australia)

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The meeting was called to order at 3.20 p.m.

STATEMENT BY Mr. FEDERICO MAYOR, DIRECTOR-GENERAL OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

1. Mr. MAYOR (Director-General of the United Nations Educational, Scientific and Cultural Organization) said that it was the first time a Director-General of UNESCO had addressed the Commission on Human Rights, although the two bodies had a long-standing working relationship which reflected their community of interests. UNESCO had contributed through the adoption of a number of important standards in the fields of education and culture to the process in which the Commission had played a key role and which had resulted in the creation of a new branch of international law, the international law of human rights. He was sure that the Commission and UNESCO would have other practical opportunities for cooperation in the future.

2. The radical changes which had taken place throughout the world in recent years had resulted in a general agreement on the crucial importance of the observance of human rights for the maintenance of international peace and security. Human rights were assuming new dimensions in international relations, and respect for human rights was increasingly being regarded as an important criterion for the recognition of newly independent States. That new perspective offered the United Nations opportunities for strengthening human rights mechanisms and procedures, as well as for establishing new forms of preventive and early warning action. The substantial progress in civil and political rights in many regions of the world, in particular central and eastern Europe, Latin America and Africa, was a source of great satisfaction, but there was a real danger that those advances would be eroded by deteriorating economic, social and cultural conditions, poverty and underdevelopment and a legacy of intolerance and prejudice which expressed itself, in many countries, as discrimination based on ethnic origin, language or religion. Those risks were increased by escalating population growth, environment threats and crises of cultural identity.

3. Such challenges demanded new responses, courage, wisdom and solidarity of the international community. The President of the ANC, Mr. Nelson Mandela, and the President of South Africa, Mr. Frederik De Klerk, to whom, jointly, UNESCO had recently presented the Félix Houphouët-Boigny Peace Prize, had set an example of the new approach required of political leaders. By the very nature of its mandate, UNESCO was closely involved in activities linked to the promotion and protection of human rights. For example, it devoted special attention to ensuring the right of all to education, including the removal of the most elementary barrier to such a right, illiteracy. It also fostered the right to participate in cultural life and scientific progress, freedom of information and the independence of the media. The majority of the items on the agenda of the forty-eighth session of the Commission were reflected, in one way or the other, in UNESCO's activities and programmes. UNESCO also gave priority to human rights education because it believed that the intellectual

and moral solidarity of mankind, respect for universally recognized values, international law, human rights, fundamental freedoms and human dignity were essential for building a prosperous and secure world. Human rights education was the best way of preparing individuals for assuming rights and responsibilities. UNESCO's ultimate goal was the creation of a comprehensive system of human rights teaching and education at all levels for all citizens and populations. In cooperation with a wide spectrum of international partners, including NGOs and the world community of teachers, UNESCO prepared teaching materials and curricula, organized training for professional groups and supported educational activities in many parts of the world. To encourage efforts in that area, it had created the Prize for the Teaching of Human Rights, which in 1990 had been awarded to Mr. Vaclav Havel, President of the Czech and Slovak Federal Republic and emminent defender of human rights. Over 2,500 educational institutes in 102 countries under the Associated Schools Project contributed to human rights teaching in schools, and UNESCO Chairs on Peace and Human Rights were being set up to cater for the university sector. UNESCO was also engaged, in conjunction with the United Nations Centre for Human Rights, in organizing an international conference on human rights teaching and education, which Canada had offered to host in Montreal early in 1993. That conference, which was expected to enable a strategy and plan of action to be worked out for human rights teaching, was a continuation of the international congresses convened by UNESCO in Vienna in 1978 and in Malta in 1987 and was at the same time a preparatory step for the United Nations World Conference on Human Rights, to which its results would be presented.

4. UNESCO had also created, along the lines of the confidential procedure adopted by the Economic and Social Council in resolution 1503 (XLVIII), its own procedure to examine alleged violations of human rights within its sphere of competence, namely education, science, culture and communication. As a result of that procedure, many intellectuals, writers, journalists and human rights defenders had regained their freedom or had once again been able to resume their professional activities or to exercise their right to freedom of expression. Furthermore, as Director-General of UNESCO, he considered it his duty to intervene publicly when human rights in UNESCO's fields of competence were violated or placed in jeopardy.

5. UNESCO was also able to make an original contribution to the development of human rights in a rapidly evolving world in areas other than those of direct concern to the Commission, for example in the area of the rights and freedoms of members of the academic community (freedom of scientific research, the right to teach, freedom of intellectual cooperation, as well as the special responsibilities of scientists), studies on the impact of scientific and technological progress on human rights, and in particular the study of bioethics, which posed many problems demanding reflection, and, lastly, activities aimed at further elaboration of the concept of cultural identity and cultural rights, which were an insufficiently developed category of human rights. In all those areas, UNESCO counted on the support of the Commission and of the Centre for Human Rights.

6. The intimate links between human rights and democracy were not in any doubt. The struggle for human rights had paved the way for the democratization process currently being witnessed in various parts of the world, and it was clear that only a genuine democracy could guarantee the full implementation of human rights. Democracy, however, was more than just a political system characterized by universal suffrage, multiparty systems, the separation of powers and freedom under the law; it in fact rested on cultural foundations which ultimately transcended political structures. It was precisely to explore the interrelation between culture and democracy that UNESCO had convened the Conference on Democratic Culture and Govenance in Montevideo in November 1990 and the International Forum on Culture and Democracy in Prague in September 1991. The theme which had emerged from those meetings was that only democracy could provide the framework within which minority cultures could find full expression, along with intercultural dialogue and tolerance. The same idea was central to the Declaration of Guadalajara, adopted in July 1991 at the Summit Meeting of Ibero-American States in Mexico and to the activities of UNESCO's Amerindian programmes organized in the context of the five hundredth anniversary of the Encounter of Two Worlds. That process of reflection on the cultural context of human rights would be continued at a number of meetings and in numerous research projects planned for 1992-1993. UNESCO was convinced that research and education in human rights should be supplemented by research and education in democratic practice, since the two were so closely linked and since ignorance and incompetence were amongst the worst enemies of young democracies. Its main objective was to assist in the preparation of societies for life in democracy. Democracy was also the only guarantee of respect for the rights of women, rights too often and for too long ignored, and for the rights of children and respect for the environment and hence the rights of future generations. Lastly, it should be stressed that the wings of freedom could only bear a limited weight of poverty and ignorance and that there, too, democracy had proved to be the ultimate guarantee for sustainable human development, conferring on human beings not only life but life with dignity.

7. The success of the entire range of activities aimed at the promotion and protection of human rights and democracy depended on close cooperation between States, intergovernmental and non-governmental organizations. The dialogue and interaction which took place in international forums also played their part. In that context the essential role of the Commission on Human Rights and the United Nations Centre for Human Rights and the devotion of the non-governmental organizations to the protection of human rights, fundamental freedoms and democracy deserved a special tribute. In conclusion it was to be hoped that the World Conference on Human Rights in 1993 would pay due attention to education in human rights and democracy and that a world decade would be proclaimed for that purpose. Mankind would thus be better equipped to enter the twenty-first century and to fashion a world informed by respect for human rights, a world reflecting not so much a "new order" but rather a "new legitimacy" based on the recognition of reciprocal rights and duties.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT

(c) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLVII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS (agenda item 12) (continued) (E/CN.4/1992/3, 4, 25-27 and Corr.1, 28 and Add.1, 31-37, 60 (S/23212), 64, 67, 68, 72, E/CN.4/1992/CRP.1, CRP.2; E/CN.4/1992/NGO/2, 5, 10, 11, 13, 19, 24 and 34; E/CN.4/1991/24, 27, 28, 29, 30, 31, 33 and Add.1; 34, 35, 36, A/46/446; A/46/529; A/46/542; A/46/544 and Corr.1; A/46/606; A/46/647)

8. Mr. NEAGU (Observer for Romania) said that the work of the Commission, in which a number of distinguished political personalities took part, provided an opportunity for a rewarding exchange of ideas and experiences in the field of human welfare and human rights. The Commission should reflect humanistic aspirations and the positive trend towards a new international order based on respect for human rights.

9. Romania fully shared those aspirations. It had just shaken off, once and for all, a totalitarian ideology and system which had prevailed for many decades in defiance of the people and their fundamental freedoms and was now irreversibly committed to building a legitimate, modern, democratic and humane State. Strengthened by its historical relationship with Europe, it sought to be reinstated as soon as possible in the structures of the civilized free world. Accordingly, it looked forward to the support and assistance of the traditional democracies of Europe, America and other regions of the world, the United Nations system, including the Centre for Human Rights, and national and international non-governmental organizations.

10. A modern Constitution had been drafted, and recently adopted by referendum, which contained a special chapter on fundamental human rights, and apparatus had been set up to ensure complete familiarity and compliance with the relevant rules. The first free local elections were under way and in May and June 1992 there were to be parliamentary and presidential elections. The Romanian people intended to bring their democratic structures up to international standards and were confident that their efforts would be understood and supported by other nations.

11. The Romanian Government had appreciated the efforts made by the Special Rapporteur, Mr. Joseph Voyame, in fulfilling the mandate entrusted to him by the Commission. The report before it (E/CN.4/1991/28) contained an objective view of the distance travelled by Romania and described both the new realities and the persistent shortcomings. The Romanian authorities attached due importance to the conclusions and final recommedations of that report, and

beneficial results were already being felt. On the basis of the comments of the Special Rapporteur the Romanian Government had established contacts and active cooperation with the United Nations, through the Centre for Human Rights and with other national and international institutions. Those contacts had resulted in an initial assistance programme for Romania. A training course for judges of the Supreme Court of Justice had been organized and the Romanian Human Rights Institute had been founded. Those activities were a precursor to other forms of cooperation with the United Nations and non-governmental organizations.

12. The support and assistance of the international community remained essential if a new democratic society was to be built in Romania. In order to strengthen its cooperation with the international community, Romania would like greater representation in the United Nations human rights bodies, and therefore intended to take maximum advantage of its participation in the work of the Commission.

13. Mr. REYN (Observer for Belgium) thanked Mr. Amos Wako, Special Rapporteur on summary or arbitrary executions, for the objective report he had submitted to the Commission (E/CN.4/1992/30). The Belgian delegation had virtually nothing to add to what had been said under agenda item 12 by the head of the delegation of Portugal, currently holding the Presidency of the European Community.

14. In the first addendum to that report, the Special Rapporteur had referred to the tragic events that had taken place on the campus in Lubumbashi, in the province of Shaba in Zaire, during the period 8 to 12 May 1990. The quality of that addendum was a credit to the Commission on Human Rights and to the Centre for Human Rights and strengthened their credibility. The Belgian delegation noted that the Special Rapporteur had strong reason to believe that in the Lubumbashi affair the Zairian Government ordered or authorized the operations as a consequence of which 10 to 12 students had lost their lives and 34 more had been seriously injured. The addendum also made it clear that the judgement by the Supreme Court of Zaire did not fully discharge the obligations of the Government of Zaire with respect to human rights, and that a number of questions still remained open. The Belgian authorities endorsed the conclusions of the Special Rapporteur that the Zairian Government should be requested to reopen its investigations into the affair and to inform him of the results. Furthermore, it held the view that the most basic of human rights, namely the right to life, had not been respected in the Lubumbashi affair and that the whole truth should be revealed.

15. Mr. DELTEIL (World Student Christian Federation) said that the Federation was deeply concerned about the deterioration of the human rights situation in Myanmar and South Korea. According to various reports, arbitrary arrests, detentions, torture, summary executions and other human rights violations were continuing in Myanmar. During the recent student demonstrations, approximately 900 students had been arrested because of their peaceful demand for the release of Daw Aung San Suu Kyi. As a result of their protests, the universities had been closed. They had not been opened for a full term since 1988, in defiance of the right to education. Even though Myanmar had been under martial law since September 1988, the civil war had escalated. Among

the 150,000 refugees who were fleeing the country were 4,000 students who had sought refuge at the Thai border where they were exposed to the harsh life of the jungle, frequent attacks from the Myanmar army and the threat of malaria. The World Student Christian Federation welcomed the opening of a discussion under the 1235 procedure. The appointment of a special rapporteur would complement the public discussion within the Commission and would bring greater diplomatic pressure to bear on the Myanmar military authorities for a timely end to the civil war and to human rights abuses.

16. With regard to South Korea, the World Student Christian Federation had recently received news about the arrest and detention of Mr. Hwang In Sung, former General Secretary of one of its affiliated movements, the Korea Student Christian Federation. At the time of his arrest, he was serving as policy planning director of the Korea Christian Alliance for Democracy and Reunification. He had been wanted by the police since May 1991. His arrest had come at a time when the South Koreans were preparing for a democratic system under the leadership of the National Alliance following the general elections for the National Assembly in March. Mr. Hwang In Sung's case was not an isolated one. There were an estimated 1,316 political prisoners, most of them students and workers, still in detention. In particular, Ms. Im Su Kyung, a student of French literature, was still in detention after being sentenced to five years' imprisonment for crossing the border with North Korea in a symbolic protest to reflect the students' desire for reunification.

17. The majority of the arrests and violations had been made on the basis of the National Security Law. Torture had become institutionalized. The courts based their decisions on confessions regardless of whether or not they had been obtained by means of torture. The World Student Christian Federation therefore called on the Commission to bring pressure to bear on South Korea to release all political prisoners. It also called on the South Korean Government to ratify the United Nations Convention against Torture and to respect the conventions which it had signed.

18. Lastly, it wished to draw the Commission's attention to the situation in Cuba. The World Student Christian Federation was concerned that the 30-year-old dispute between Cuba and the United States did not seem to be approaching a solution, even though the reasons for it no longer existed. While there was justification for denouncing certain human rights violations in Cuba, the American economic embargo which had been imposed since the early 1960s and caused considerable suffering to the Cuban people could not be overlooked. The Commission had a responsibility to call upon the United States Government and the Cuban Government to overcome obsolete political stereotypes and to begin conversations which would help to improve the economic, social and political situation of the Cuban people and promote stability in the Caribbean and in Central America.

19. Mr. FORBES (War Amputations of Canada) said that in 1987, in accordance with the procedure established by Economic and Social Council resolution 1503 (XLVIII), the War Amputations of Canada had submitted a formal claim to the Commission for the suffering and losses caused during the Second World War by Japan to thousands of Canadian prisoners of war and civilian

internees. Additional claims had been submitted in 1990 and 1991 by other organizations representing British, American, Dutch, New Zealand and Australian former prisoners of war. Over 200,000 former prisoners of war or civilian detainees or their widows were represented.

20. Particular attention was drawn to the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities following its forty-third session in August 1991, in which it took an unprecedented position with regard to those claims in stating that the 1503 procedure could not be regarded as a reparation mechanism for compensating suffering or losses which had occurred during the Second World War. That decision was seriously flawed from the point of view of international law and with respect to the application of the procedure in question. The Commission was therefore requested to give serious consideration to the implications of the Sub-Commission's statement, not only in respect of the consolidated claims but also in relation to the scope of Economic and Social Council resolution 1503 (XLVIII).

21. The communications relating to the gross violations committed against prisoners of war and civilian internees in Japan made reference to the judgement of the International Military Tribunal for the Far East delivered in November 1948. That judgement dealt with the atrocities committed by the Japanese army and concluded that they had been secretly ordered or wilfully permitted by the Japanese Government or individual members of the Government and by the leaders of the armed forces. In reply to the communications submitted under the 1503 procedure, the Japanese Government had consistently taken the position that any compensation had been provided for in the Peace Treaty entered into between Japan and the allied Powers on 8 September 1951, and which entered into force on 28 April 1952. International law supported the claims in that they related to the fundamental human rights of prisoners of war and civilian internees. A number of international human rights experts and non-governmental organizations including the International Committee of the Red Cross agreed with that position and pointed to specific provisions of the Geneva Conventions. Nevertheless the Sub-Commission had decided, by 15 votes to 3 with 1 abstention, to concur with the interpretation of the Working Group on Communications, which considered that, appalling as the events complained of had been, the procedure governed by Economic and Social Council resolution 1503 (XLVIII) could not be applied as a reparation or relief mechanism in respect of claims of compensation for human suffering or other losses which had occurred during the Second World War (E/CN.4/Sub.2/1991/65, para. 274).

22. The War Amputations of Canada called upon the Commission to give serious consideration to the following three points: first, that it should acknowledge that war crimes and crimes against humanity did not bear any form of statutory limitation; in that connection War Amputations of Canada cited the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the study by Mr. van Boven on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms (E/CN.4/Sub.2/1991/7); secondly, that it should recognize that the effects of the inhumane treatment suffered by the prisoners of war and civilian internees had caused permanent physical and

psychological damage to the victims who had received no compensation whatsoever; thirdly the Commission should note that Germany had continued to pay restitution claims since the end of the war: by 31 December 1990, DM 78 billion had been paid to victims of the national socialist regime and a further DM 23.9 billion would be paid by the year 2000.

23. Mr. HUMPHREY (War Amputations of Canada) said that as a former director of what 20 years previously had been called the United Nations Division of Human Rights, and former member of the Sub-Commission, he deeply regretted that the Sub-Commission had refused to forward to the Commission for its consideration under the 1503 (XLVIII) procedure, the petition submitted by the organization he now represented, relating to the treatment of Canadian prisoners of war by the Japanese during the Second World War. As the Sub-Commission had described the violations as "appalling", why was it not prepared to deal with them in the same way as flagrant and gross violations of human rights and ask the Commission to deal with them under that procedure? The Sub-Commission was also wrong in its interpretation of the applicability of that procedure: its interpretation was unjustified and deserved a reprimand from the Commission. Furthermore, the opinion of the organization which he represented was endorsed by the International Commission of Jurists. While it was obvious that the Commission could not itself order that compensation should be paid to the victims of such abuse, it should agree that Japan was at fault and that the Japanese Government should do what it should have done years ago and compensate the victims.

24. Mrs. BLOCH (Minority Rights Group) said that the violation of the human rights of minorities and of peoples was often one of the early warnings of potentially violent conflicts in a region. The United Nations Secretary-General had stated in his report to the interregional consultation on development and social welfare policies and programmes, that certain groups in society felt a sense of injustice which from their point of view justified violence and terrorism. Despite such warning signals, the United Nations system remained unable to provide effective methods to resolve disputes.

25. In East Timor and in Tibet, for example, the gross violence which had been committed over the last decade would continue, according to the information of the Minority Rights Group, unless the legitimate non-violent demands of the people were clearly supported by the Commission.

26. In the Middle East, where the human rights of the Kurds and the Palestinians had been abused for many years, it was heartening that a peace process involving Palestine had been started, but many injustices had to be addressed. As early as 1987, the Minority Rights Group had reported in detail on the Palestinian disadvantage under Israeli administration, and had predicted the intifada. Since then, there had been endless destruction, imprisonment without trial, periods of curfew and deaths. Even if the negotiations were successful, a settlement based exclusively on local autonomy for the West Bank and Gaza in return for universal recognition of Israel would not alone bring long-term peace. The denial of self-determination for the people of the occupied territories was an obstacle to regional stability, while the position of the Palestinian refugees and the return of the Golan Heights to Syria, would still have to be settled. It was to be noted

that Yassar Arafat among many others had commended the United States of America for withholding loans that might be used for building new Israeli settlements in the occupied territories, to which many Jews, including former Soviet Jews, were also opposed.

27. There was no international peace process for the Kurds. Although Turkey at times made some effort, the full and peaceful involvement of the Kurds in a pluralist and democratic Turkish society was still a long way off. The tensions were obvious. While the Turkish Prime Minister's offer of investigations into claims of police torture, the recognition of some Kurdish cultural rights and investment in the local economy was to be commended, the Turkish armed forces used violence in their struggle against guerrilla activity. Much more was needed, therefore, including consideration of proposals for devolved power to the Kurds, possibly on the lines of the federal system suggested by the President of Turkey. The situation of the Kurds in Iraq had worsened and as early as 1988 the Minority Rights Group had drawn attention to the continuing genocide. In the report by the Special Rapporteur on the situation in Iraq (E/CN.4/1992/31) further evidence of that genocide had unfortunately emerged. Evidence had been obtained from a number of sources about the use of chemical weapons in particular against the Kurds. It was now the duty of the international community to bring Iraq before the International Court of Justice.

28. Since the Kurdish uprising of March 1991, the situation in Iraq had become chaotic with over one million Kurds fleeing over the borders in only one week. Since the establishment of safe havens inside Iraq under the protection of the coalition leaders, through the United Nations, Kurds had returned home, but with no guarantee as to what would happen when the United Nations and other bodies withdrew. The situation of the Shia community in the south of Iraq was no better. The Minority Rights Group endorsed the hope of the Special Rapporteur that a United Nations presence would shortly be established in that area. Unless the United Nations wished to perpetuate regional insecurity for decades to come, it would have to address the problem of the Kurds. In order to do that, it would have to condemn Iraq for its systematic violations of human rights, its stockpiling and use of chemical weapons and its treatment of the Kurdish and Shia populations. The United Nations Security Council, for its part, should seek an advisory opinion from the International Court of Justice, pursuant to Article 96 of the Charter of the United Nations, as to whether those acts constituted acts of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide.

29. The question of self-determination for the people of the occupied territories, the return of the Palestinian refugees, the status of Jerusalem and the Golan Heights, as well as Israeli settlements in the occupied territories would have to be settled during the current peace negotiations. Lastly, the Special Rapporteur on the situation in Iraq had been right to recommend that the Commission should send a team of human rights monitors who would remain in Iraq until the situation had drastically improved and who could move freely, investigate alleged violations, visit places of detention as they wished and observe the court proceedings.

30. Mr. BEYA BATAKALWA (Movement Against Racism and for Friendship Among Peoples) said that his organization endorsed all the statements made by the NGOs during the debate with regard to the many regions of the world where repression was rampant. The Commission should strongly urge the United Nations General Assembly to ensure that the voice of humanity and reason was heard wherever it had been silenced. Special efforts were called for however with regard to three areas.

31. In Western Sahara, where the United Nations plan had encountered opposition, the situation was still disturbing in spite of the faint hope which Morocco had raised at the previous session of the Sub-Commission when it announced the release of a number of disappeared persons of Saharan origin. The detainees were nevertheless kept incommunicado and several hundred others had disappeared since.

32. The disturbing situation in Turkish Kurdistan had aroused unusual interest on account of the humanitarian efforts which had been publicized in the media, but especially because a large number of refugees from the area, now in western Europe, were claiming political refugee status. The Government had made some conciliatory gestures the previous year, but there had none the less been 85 summary executions in 1991 concerning which evidence was available. The Commission should arrange for a team to be sent out to the Turkish provinces concerned to study the situation.

33. In Zaire, the authorities appeared to be unaware of the existence of the Commission. On 16 February 1992, while the Commission was in session, a peaceful religious demonstration had been violently repressed there. The impact of the Commission's resolutions on Zaire's leaders might well be open to question. Furthermore any hope of identifying those responsible for the Lubumbashi massacre was dwindling. The Special Rapporteur on summary or arbitrary executions, Mr. Wako, who had visited Zaire one year after the events appeared to be disheartened and had asked the Zairian Government to cooperate with the next rapporteur. Did that mean that Zaire had not cooperated in the proper manner? What had been the reason, moreover, for two reports, only one of which had been amended? The statements made by the Zairian authorities certainly betrayed their readiness to cover up the massacre at any price. Indeed it looked as though the police had been forced to intervene between two rival student factions and the alleged massacre had been the result of a campaign of deception and disinformation. The head of the Zairian delegation to the United Nations had fully acknowledged, on 25 May 1990, that there had been a massacre, but other senior officials had denied that there had been any victims, claiming that the onus of proof lay with the accuser. Then again the Zairian Minister for Civil Rights had told the Commission that even if there had been any heavy-handedness it was not enough to put his country among the ranks of those guilty of systematic and gross violations of human rights. The Special Rapporteur confirmed that there had been at least 67 deaths. Lastly, President Mobutu had stated that he had been misled by exaggerated reports supplied by his information services.

34. Why had there been so many statements if the reason for the slaughter had been revenge between two rival factions? Speaking as a witness of the events, there had indeed been a massacre. He had lodged a formal complaint with the

Zairian Ministry of Civil Rights and, when that had produced no results, with the Human Rights Committee in Geneva. For all countries today, human rights diplomacy had become a reality, especially in eastern Europe. Why therefore was there relative indifference or careful silence in respect of Africa? In cases concerning Africa, either the confidential procedure was used or no sentence of guilt was pronounced. It was essential that the situation in Zaire should be addressed by the Commission in plenary and that an international commission of inquiry on the Lubumbashi massacres should be set up. Democracy should also be established in Zaire under international supervision and in particular a special commission should be sent out to supervise the coming elections. As a Zairian, he did not wish to see his compatriots appearing regularly on the international scene to denounce systematic violations of human rights in their country.

35. Mr. PANTHAKI (Liberal International - Human Rights Committee) said that the human rights situation in Myanmar and Tibet was a cause for grave concern. Recent annual congresses of Liberal International had unanimously passed two resolutions on Myanmar, applauding the courage of the 1991 Nobel Peace Prize winner, Daw Aung San Suu Kyi, condemning the military regime for its policy of oppression, and denouncing the continued detention of members of the National League for Democracy, despite the overwhelming mandate of the people in the elections in May 1990. The resolutions also called for pressure to be put on all foreign Governments, and particularly the Chinese and Thai Governments, to stop all military and other assistance to the Myanmar regime. They also called on the latter to release Daw Aung San Suu Kyi immediately along with all other political detainees and to implement the mandate of the Myanmar people. The resolution passed in 1991 also urged the United Nations to impose a global embargo on arms sales to Myanmar.

36. In its two resolutions on Tibet, Liberal International appealed to the United Nations Secretary-General to bring pressure to bear on the Chinese Government to establish basic human rights for the Tibetan people, to appoint a special rapporteur to investigate the situation in Tibet and to enforce implementation of the resolutions on Tibet passed by the United Nations in 1959, 1961 and 1965. There was an urgent need, also, for a special rapporteur to be given unrestricted access to the citizens of Tibet and to places of detention there. Liberal International, in the resolution it passed unanimously at its 1991 congress, called on the Chinese Government to recognize the fundamental rights of the Tibetan people as set out in the Universal Declaration of Human Rights and other international human rights instruments, including the rights of self-determination and to maintain their cultural and religious traditions. The Chinese Government had also been called upon to enter into serious, unconditional discussions with the Dalai Lama in order to find a lasting solution. The two resolutions also commended the Dalai Lama, who had been awarded the 1989 Nobel Peace Prize, for his tireless dedication to the cause of his people and recognized his authority as the undisputed leader of the Tibetan people. Regrettably that peace-loving people had been persecuted for over 40 years by the Chinese regime. Why would the United Nations not act now and put an end to their suffering?

37. It was perfectly clear that China was the one country responsible in both cases, directly in Tibet and indirectly in Myanmar, through its supply of military arms to the regime in power. The catalogue of the atrocities perpetrated in Tibet and in Myanmar had been fully documented by responsible non-governmental organizations, and had been highlighted at the current session of the Commission by a number of speakers. Finally, the resolution on the situation in Tibet passed by the Sub-Commission at its preceding session and the Secretary-General's note on that resolution dated 5 January 1992, spoke for themselves. The Commission should therefore take strong and effective action with regard to the situation in both of those countries, without further delay.

38. Mr. Ennaceur (Tunis) took the Chair.

39. Mrs. PARK (Canada) said that while consideration of agenda item 12 might give rise to some optimism that the rule of law, democratic institutions and the protection of human rights would prevail throughout the world in the near future, there was a very real concern about the serious violations of human rights which persisted in many parts of the world, affecting the most vulnerable members of society. It was up to the international community to ensure that the broader scope for progress in human rights were transformed into real changes in the lives of men and women.

40. In Europe, Hungary, Czechoslovakia and Poland had made enormous progress towards democracy, despite serious domestic problems exacerbated by dramatic economic reforms. Bulgaria and Romania were working to incorporate into their legislation the required safeguards for their new democratic structures including human rights. The most dramatic changes had taken place in the former Soviet Union, however, and the refreshing statement to the Commission by Mr. Kozyref was particularly welcome in view of the commitment it contained to the democratic process and the rule of law.

41. It was unfortunate however that those transformations had been accompanied by the emergence or re-emergence of nationalist and regional sentiments which had been stifled for many years. That phenomenon had created new expectations which might well have a destabilizing effect. The new States were therefore urged to enshrine in their legislation respect for minority groups, which was critical for harmonious relations, to counter any signs of intolerance, and to adhere to the principles which they had agreed to uphold by joining the Conference on Security and Co-operation in Europe (CSCE). Such action was essential in view of the escalating violence in Nagorno-Karabakh and the fighting in Georgia. However, the situation in Yugoslavia was the most tragic of all. The civil war had already claimed more than 8,000 lives and made more than half a million people homeless. The Security Council had been allowed to authorize the presence of a United Nations peacekeeping force, but those efforts would prove useless unless the peoples and Governments of Yugoslavia, Croatia and Slovenia themselves had the will to resolve the conflict peacefully, unless the settlement rested on scrupulous guarantees for human rights and the rights of minorities and unless those found responsible for gross human rights violations were held accountable in law.

42. In the Middle East, the end of the Gulf war had opened opportunities to improve human rights in the region, and the convening of a peace conference held out hope for a settlement of the Arab-Israeli conflict and the Palestinian problem, although the countries of the region themselves needed to improve the status of women, guarantee freedom of religion and expression and eliminate political violence, including torture. In Syria, the announcement during 1991 of the release of numerous political prisoners was encouraging, although the allegations regarding human rights violations by the Syrian authorities, especially with regard to the conditions of detention, the judicial process and the rights of religious minorities, continued to cause concern. Iran's decision to receive the representatives of the Commission and the International Committee of the Red Cross (ICRC) was welcome. However, reports indicated that fundamental human rights including the right to life, to due processes of law, decent conditions of detention, freedom of expression and religious belief and the right to equal rights regardless of sex were sources of serious concern.

43. The liberation of Kuwait had ended the human rights abuses by Iraqi forces, but there had been reports since then of abuses by the Kuwaitis themselves, involving Palestinians in particular. Canada urged the Kuwaiti authorities to adopt a more humanitarian approach towards the Palestinians and ensure respect for the due process of law. It welcomed the commitment by Kuwait to greater democratic participation including, it was to be hoped, the extension of voting rights to women. In Iraq itself, the Government's violent suppression of the Kurds and Shiites in particular was deeply disturbing. Iraq needed to institute real democratic reforms. However, democracy could only result from the application of numerous Security Council resolutions which provided, inter alia, for humanitarian assistance to the Iraqi people, in particular the most vulnerable groups.

44. In Asia, the settlement ending the conflict in Cambodia offered the prospect of dramatic improvements. A large number of political prisoners and prisoners of war had already been released under ICRC supervision. In Viet Nam and Laos there had been gradual improvements although difficulties were still experienced in the exercise of political and religious freedoms. In Afghanistan, the termination of arms supplies to the combatants was a first step towards ending the conflict, but a lasting settlement could only be achieved through dialogue between Afghans of all factions. Canada endorsed the United Nations peace plan for Afghanistan and supported the efforts of the Special Rapporteur. Kashmir and Punjab were still prey to violence. It was true that India endeavoured to maintain law and order, although all too frequently at the expense of the human rights of civilians. Canada called on Pakistan to discourage cross-border movements of armed personnel. Canada had already expressed its deep concern about the massacre in East Timor on 12 November 1991 of peaceful demonstrators. The prompt response of the authorities of that country was encouraging, but the actual implementation of the interim report by the Indonesian Commission of Inquiry and the prosecution of those responsible was awaited. The working visit to Indonesia by the representative of the United Nations Secretary-General was a very positive step.

45. In Sri Lanka, Canada welcomed the establishment of a Parliamentary Select Committee on the north-east conflict, which indicated the Government's willingness to address a number of human rights related issues. However, violations of those rights by members of the police and military and armed groups continued. A durable peace could only be achieved through negotiations which recognized the legitimate rights and aspirations of all Sri Lankans without exception. The international community should encourage those efforts. In China, the release of some political prisoners had done little to allay the concerns about the overall human rights situation: many people who had been arrested following the events in Tiananmen Square remained in custody; there was a lack of transparent judicial procedures, especially where the trials of political dissidents were concerned; in Tibet religious figures who had engaged in political activity continued to be persecuted. The situation in Myanmar remained unchanged in spite of the efforts of the international community, including those of the Secretary-General. Daw Aung San Suu Kyi had still not been released nor had the political detainees, there had been no democratic transfer of power and human rights were still not respected.

46. In Latin America, the signing of the January 16 Accords bringing peace to El Salvador was expected to mark the beginning of an improvement in the human rights situation, but the basis for a stable and democratic society could not really be established without consistent effort on the part of all Salvadorans. In Guatemala, unprecedented measures had been taken to bring military and police forces under civilian authority, but there had so far been no positive results. Intimidation, death threats and disappearances continued. The international community should more closely scrutinize the human rights situation in that country, preferably under agenda item 12. In Peru, the Government should continue its efforts to reduce the number of disappearances and deaths due to the violence of terrorist groups.

47. In Haiti, where the electors had clearly made their choice in favour of the democratic process, the coup d'état of 30 September 1991 had destroyed all hopes of development. Canada condemned the coup especially as it had resulted in repeated human rights violations which had once again become part of the daily reality for the Haitian people. The human rights situation in Cuba was also increasingly disturbing. There was no right to free expression and dissidents were increasingly harrassed or arrested. It was most regrettable that Cuba, an active member of the Commission, had refused to cooperate with the Secretary-General's Special Representative.

48. In Africa there had been an increase in democratic expression in the past year, notably in Benin and Zambia. However, the continent still had a number of problem areas. One was Algeria, where the progress of democracy had halted a year previously, although Canada hoped that democracy would soon be restored. Rwanda and Burundi also gave rise to concern and it was to be hoped that their Governments' efforts to achieve national reconciliation would reduce the violence and suffering. In Zaire, human and economic progress had ground to a halt because President Mobutu's promises of reforms and the installation of a democratic process had not materialized. It was to be hoped that early reforms would be introduced. In Somalia, the solution to the widespread killing and starvation lay with the reconstitution of a civilian

authority which had the confidence of all Somali people and which would be accountable for the protection of their rights. In the absence of a new Government, the international community should impress upon the various combatant groups the need for a cease-fire and dialogue. The situation in Ethiopia improved somewhat. The adoption of a Charter of Rights and Freedoms by the transitional Government had given the people a legal basis upon which to demand their rights. However, peace and security of the person, particularly in many southern rural areas, would still have to be guaranteed by a civilian authority enjoying the confidence of the population. In Sudan, action was needed to eliminate abuses of basic human rights: arrests, summary executions and torture, were all the outcome of the renewed vigour with which the civil war was being pursued. There were also alarming reports from Chad and Mauritania about several cases regarding the integrity of the person and respect for human rights. South Africa had made great strides: the legal pillars of apartheid had been abolished, most political prisoners had been freed, security laws have been substantially reformed and exiles had been enabled to return. However, much remained to be done to reduce the deaths caused by political violence, to free the remaining political prisoners, to give blacks the right to vote, to eliminate apartheid from education and social services, to provide redress to the millions who had lost their homes under repealed laws and to give legal protection to the most exploited workers. Canada was encouraged by the start of multiparty constitutional negotiations in December 1991.

49. In conclusion, while welcoming the commitment to democracy and human rights which had emerged worldwide, she advised countries which persisted in violating those rights or which failed to protect their people against human rights abuses, that they would increasingly find themselves outside the accepted norms of international behaviour. The Commission had a duty to make it clear to those countries what the international community expected of them by calling attention to abuses and assisting them to achieve a world in which all people could enjoy fundamental human rights and democratic freedoms.

50. Mr. AMORIM (Brazil) said that his country had adopted a policy of total transparency in the sphere of human rights and attached great importance to the institutional mechanisms which promoted and protected those rights and which were supplementary to the national instruments. By acceding to international instruments, countries were both subject to the monitoring mechanisms established by the international community, and entitled to receive multilateral cooperation.

51. The question of the "politicization" of human rights issues had been widely discussed in the United Nations. In fact, political motives did play a significant role in the establishment of the monitoring mechanisms of the Commission on Human Rights and the political battles that had preceded the establishment of certain working groups or the appointment of a special rapporteur would be remembered. However, their relevance in the struggle for human rights was no longer challenged. The special rapporteurs on country situations seemed to be the most "politicized", but the mechanism had proved to be so constructive that most of the countries assessed tended to resort to them as a means of making known their difficulties and their good will. Special rapporteurs, however, should not be viewed as political weapons directed by one group of people against another.

52. As a traditional co-sponsor of resolutions on Central America in its capacity as a member of the Rio Group, Brazil paid particular attention to the cases of El Salvador and Guatemala. With regard to the former, Brazil was extremely satisfied with the agreement between the Frente Farabundo Martí Liberación Nacional (FMLN) and the Government aimed at ending the armed conflict which had taken a heavy toll of human lives and caused widespread violations of human rights and fundamental freedoms. There was indeed every expectation that the peace process under the supervision of the Security Council, with the presence of the United Nations Observer Mission in El Salvador (ONUSAL) would be successful. The situation of human rights in El Salvador should therefore be transferred to agenda item 19 and the Special Rapporteur replaced by an expert who would offer advisory services in cooperation with other United Nations envoys in the country. It was to be hoped that peace in El Salvador would have a positive effect on the overall situation in Central America and in particular in Guatemala. The ongoing dialogue between President Serrano and the opposition forces was the best way of protecting human rights in that country, and the Brazilian delegation would support any Commission decision to keep consideration of the human rights situation in Guatemala under agenda item 19.

53. In contrast, the case of Haiti should be transferred to item 12. In the wake of the military coup, human rights violations there had reached dreadful proportions. However, the Brazilian Government still hoped that democracy would prevail in Haiti and the efforts coordinated by the Organization of American States (OAS) were of paramount importance in that regard. Any envoy to Haiti appointed by the Commission on Human Rights should therefore take into consideration the aims and mechanisms established by the OAS. As far as Cuba was concerned, the Secretary-General's Special Representative, although unable to examine the situation in loco, provided in his report (E/CN.4/1991/27) convincing evidence that the integrity of individuals appointed to that office was the best guarantee of impartiality. While stressing the absence of guarantees relating to the exercise of civil and political rights, Mr. Rivas Posada demonstrated in his conclusions his understanding of the difficulties faced by that country in the present international circumstances. Brazil had abstained in the vote on Commission resolution 1991/68 on account of the excessive politicization of the question, but nevertheless felt that it might have been in everybody's interest, including Cuba's, if the Cuban Government had responded in a positive way to the Special Representative's requests.

54. Among the other situations which caused concern to the Brazilian delegation, which included those of Iraq, Afghanistan, Iran and Cyprus, the case of East Timor and the regrettable incident which had occurred in Dili in November 1991, called for specific comment. The Brazilian delegation hoped that as a result of the investigations by the Indonesian Government those responsible for the killing of civilians would be brought to justice, as a way of discouraging further violations of human rights in East Timor.

55. Mr. KOVALIOV (Russian Federation) said that each year the Commission considered under agenda item 12 the human rights situation of countries which were especially disturbing. Those countries, however, were not the only ones in which violations occurred and the Commission should, in selecting countries for examination, give some thought to the historical responsibility of the

international community for the situations that had arisen. It might, for example, consider whether the situation in Iraq would have been any different if the Iraqi Government had been condemned and penalized for the genocide of the Kurds and whether it should be allowed to continue to disregard the rights of the Iraqi citizens. With regard to the Middle East and South Africa, there was no justification for the abuses of the human rights of people opposed to the Israeli and South African authorities. His delegation was still concerned by the situation in Cyprus and supported the Secretary-General's efforts to find a solution to the conflict. It welcomed the progress made in some countries, such as Romania or Albania, in which the Commission was involved, but believed that the Commission should pay greater attention to other countries such as Haiti, Sudan, Zaire and especially Myanmar, which did not form the subject of a special study. It was essential that the Commission should intercede with the Myanmar authorities for the release of Daw Aung San Suu Kyi, the 1991 Nobel Peace Prize winner, and other political detainees. His delegation approved the renewal of the mandates of the Special Rapporteurs on the situation of human rights in El Salvador and in Guatemala. A similar decision should be taken with regard to the Special Rapporteur on Afghanistan, where the question of the earliest possible release of all prisoners of war in Afghanistan was a priority issue. The Commission should also take strong measures to put an end to the human rights violations in Viet Nam, China, Iran, Indonesia and Syria. It was important for all States to fulfil their international obligations and to cooperate with the Commission. In that connection his delegation considered it regrettable that Mr. Rivas Posada, Special Rapporteur on the human rights situation in Cuba, had not been able to visit that country. Lastly, the conflict that was bathing Nagorno-Karabakh in blood undoubtedly made for widespread human rights violations and the international community should therefore take action to bring it to an end.

56. The countries in which human rights violations took place could be divided into three categories. First, there were the countries under a dictatorship, in which human rights did not exist and whose Governments ignored the criticisms of the international community and refused to cooperate with the Commission. Secondly, countries like Russia which had rejected totalitarianism and undertaken a process of democratization but where the stated principles were not yet supported by the practical measures necessary for a genuine democracy so that the risk of back sliding was always possible. The international community should remain alert to such cases. Thirdly, countries where democratic institutions were firmly established, human rights duly respected and the judiciary independent, but which faced problems with national minorities and xenophobia. The Commission should once and for all take those differences into consideration and take decisions appropriate to the actual level of the violations. A general report prepared on the human rights situation in all countries would provide an overview of all the problems arising in that field and would enhance the effectiveness of the United Nations monitoring bodies, which could not then be accused of selectivity. Furthermore, the non-governmental and intergovernmental organizations should continue to respond to any new situation arising in the field of human rights. Lastly, the Commission's <u>modus operandi</u> should be improved and its somewhat unbalanced agenda reviewed. In particular, the question of human rights and states of emergency should be made into a separate agenda which should have priority status.

57. His delegation expressed its gratitude to all delegations which had made a critical assessment of the current situation in Russia. Its Government was ready to take all possible measures to establish democracy and guarantee full respect for human rights and fundamental freedoms. The legislation in that area was still very inadequate, as had been stated at the Conference on Security and Cooperation in Europe at its meeting in Moscow. The legal system had not yet been changed to provide greater protection for human rights, and many problems remained to be solved, including the situation of the north Koreans who were studying or working in Russia in unacceptable conditions and that of Russian nationals abroad. In some areas of the country, the law and provisions of international human rights instruments were ignored, including the International Covenant on Civil and Political Rights, especially in areas of tension and conflict between different nationalities. Russia was aware of all those problems which were in large part due to the absence of a democratic infrastructure, the sole guarantee of respect for human rights. The Russian Government was determined to take measures to remedy all those legislative shortcomings and hoped that the international community would assist all countries which, like Russia, had started on the road to democratic reform to attain their objectives.

58. Mr. Walker (Australia) took the Chair.

ORGANIZATION OF THE WORK OF THE SESSION: ASSISTANCE TO GUATEMALA IN THE FIELD OF HUMAN RIGHTS (agenda item 3) (E/CN.4/1992/5)

59. Mr. TOMUSCHAT, Special Rapporteur on the situation in Guatemala, said that the most salient feature of the current situation in that country was insecurity. Human life and physical integrity were not well protected. According to the report of the Human Rights Procurator, there had been 2,439 violent deaths in 1991, at least 228 of which could be classified as extrajudicial executions. Of those, two thirds were attributable to the security forces or the police and one third to the guerrilla forces. According to all other sources, the actual numbers would have been far higher. It would therefore be wrong to attribute violent deaths to the security forces alone. In 1991, it had only been possible to establish liability clearly in a limited number of cases; in most cases the public authorities entrusted with combating crime had been unable to identify the perpetrators. Since the investiture of President Serrano in January 1991, no significant improvement had been observed. According to a number of religious and development organizations, Guatemalan society continued to be immersed in a permanent climate of insecurity and terror. Journalists wrote that the Government did nothing to combat impunity notwithstanding the efforts of the experts. Nevertheless, the President had indicated his firm intention to combat criminal acts by strengthening the judicial machinery.

60. On the other hand there had been some positive results. The ranks of the police had been purged, with the unfortunate result that 2,000 posts had been left vacant on account of the unattractive salaries. The national police was now headed by a civilian, whereas in the past it had been headed by a member of the armed forces. The budget of the Public Prosecutor's Office had been doubled for 1992. Lastly, the National Congress appeared to have reached a consensus on the new Code of Criminal Procedure which should allow trials to be made public thus permitting the process of justice to be monitored, a

process often vitiated by external pressures. It would eventually be necessary to reform the Code of Military Procedure and to abolish the antejuicio (preliminary proceedings).

61. In spite of those institutional reforms, little progress had been made in the conviction and sentencing of the authors of criminal acts. The only tangible result had been the conviction of two members of the armed forces held responsible for the massacre at Santiago Atitlán in December 1990. In all other cases, the judicial proceedings were far from reaching a conclusion. The proceedings against some assassins were dragging on or had proved abortive for lack of proof against the culprits. The integrity of the judicial system had been shattered by the corruption of judges or death threats against the judiciary.

62. The main problem facing the Guatemalan Government was how to uphold the law at every level of the system. Most Guatemalans considered that the Government was not in full control of its security forces. It should therefore intensify its efforts to educate and monitor those forces in the matter of human rights and fundamental freedoms. In any event, the measures taken so far to fight impunity were clearly insufficient as the violence was continuing virtually unabated.

63. Obviously, the conclusion of a peace agreement would remove the main causes of violence. Most extrajudicial killings and disappearances were related, in one way or another, to the civil war. The Government was unwilling to disband the civilian self-defence patrols (PAC) and the military commissars (comisionados militares) recognized as the major sources of violence in Guatemala, unless the Unidad Revolucionaria Nacional Guatemalteca (UNRG) formally undertook to renounce the armed conflict. That struggle had continued for over 30 years and the people of Guatemala were weary of it. Encouraged by the example of El Salvador, both the Government and the UNRG seemed ready to come to a peaceful settlement, and it was to be hoped that a final agreement could be established in the course of 1992. There were some indications that the conflict was becoming more civilized in some respects. While in earlier years it had frequently been alleged that the armed forces did not treat captured members of the guerrilla in accordance with generally accepted humanitarian standards, they had recently surrendered six prisoners to the Human Rights Procurator. Among them were two female ex-combatants of the guerrilla. He had been able to interview one of them, who had told him that she was being well treated after having been wounded and captured during a skirmish. It was gratifying that the armed forces were respecting the lives of their prisoners. However, the matter should be viewed with some caution because it appeared to be more the exception than the rule and there were very many witnesses who reported executions of prisoners both by the armed forces and the guerrilla. The two parties should prevail upon their fighters to respect the minimum guarantees laid down in article 3 of the 1949 Geneva Conventions.

64. The situation of the communities of population in resistance (comunidades de población en resistencia, CPR) in the department of Quiché deserved special mention. The inhabitants of those communities were totally isolated from the rest of the country, they could not move freely and they risked being killed by the security forces if they attempted to leave their villages.

There were no medical services. The children were receiving no education and were at risk through not having been vaccinated. Quite recently the Government had agreed to an immunization campaign under pressure from the Red Cross, thus for the first time taking steps on behalf of the CPRs.

65. Most of the refugees at present in exile in Mexico wished to return to Guatemala. The Government had made plans for the return of some 10,000 people in 1992. In many cases, the land formerly owned by the refugees had since been occupied by other people and the refugees would need to be given other land. That problem, plus the fact that they still feared for their personal safety, could well delay their return.

66. In respect of economic, social and cultural rights, progress had been slow in 1991. The armed conflict required large sums of money which could be infinitely better spent for other purposes. Some positive features should be mentioned however, such as the creation of 2,000 new teaching posts and the distribution to every teacher in the country of a briefcase containing the most urgently needed school items. Nevertheless, half the children of school age did not go to school, mostly because they had to work to support their families. The lack of a bilingual educational plan, in Spanish as well as the vernacular languages, compounded the difficulties.

67. Although the Guatemalan Government alone was not in a position to ensure full respect for the rule of law, it could make institutional reforms likely to deter potential offenders, and promote human rights through educational programmes directed at all sectors of Guatemalan society. It should acknowledge that the measures taken so far were only the first steps in a long and arduous process. The international community should assist it by not allowing it to fall back into isolation.

The meeting rose at 6.15 p.m.